

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GLUCAGON-LIKE PEPTIDE-1
RECEPTOR AGONISTS (GLP-1 RAs)
PRODUCTS LIABILITY LITIGATION**

CIVIL ACTION

THIS DOCUMENT RELATES TO:

MDL No. 3094

ALL ACTIONS / ALL CASES

2:24-md-03094-KSM

DEFENDANTS' REQUEST FOR JUDICIAL NOTICE

Pursuant to Federal Rule of Evidence 201, Defendants Novo Nordisk A/S, Novo Nordisk Inc., and Eli Lilly and Company respectfully request that the Court take judicial notice of the following documents, true and correct copies of which are attached hereto, in connection with Defendants' concurrently filed Motion to Dismiss Plaintiffs' Master Complaint:

Exhibit A: Product Labeling for Ozempic[®] (November 2024)

Exhibit B: Product Labeling for Wegovy[®] (November 2024)

Exhibit C: Product Labeling for Rybelsus[®] (December 2024)

Exhibit D: Product Labeling for Victoza[®] (November 2024)

Exhibit E: Product Labeling for Saxenda[®] (November 2024)

Exhibit F: Product Labeling for Trulicity[®] (November 2024)

Exhibit G: Product Labeling for Mounjaro[®] (November 2024)

Exhibit H: Product Labeling for Zepbound[®] (December 2024)

Federal Rule of Evidence 201 authorizes the Court to take judicial notice of facts that are “not subject to reasonable dispute” because they “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). Under that rule, this Court may take notice of publicly available documents relating to the warnings contained on FDA-approved product labels. See *In re Wellbutrin SR/Zyban Antitrust Litig.*, 281 F. Supp. 2d 751, 754 n.2 (E.D. Pa. 2003) (taking notice of and considering reports published on the FDA’s website in addition the facts alleged in the complaint); *Clements v. Sanofi-Aventis, U.S., Inc.*, 111 F. Supp. 3d 586, 592 & n.2 (D.N.J. 2015) (taking judicial notice of FDA regulatory facts related to product approval); *Pension Benefit Guar. Corp. v. White Consol. Indus.*, 998 F.2d 1192, 1196 (3d Cir. 1993) (“We now hold that a court may consider an undisputedly authentic document that a defendant attaches as an exhibit to a motion to dismiss if the plaintiff’s claims are based on the document.”).

WHEREFORE, Defendants respectfully request that the Court take judicial notice of Exhibits A through H submitted in connection with the Motion to Dismiss.

Dated: January 24, 2025

Respectfully submitted,

/s/ Samuel W. Silver

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CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2025, a true and correct copy of the foregoing Defendants' Request for Judicial Notice was electronically filed using the Court's CM/ECF System, which will send notification of such filing to all counsel of record.

/s/ Loren H. Brown

Loren H. Brown